

SPECIAL MEETING and WORK SESSION of the CORNWALL TOWN BOARD was held on the 5th day of February, 2013 in the First Floor Court Room, 183 Main Street, Cornwall, NY

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ALEXANDER MAZZOCCA
ELIAZBETH LONGINOTT
MARY BETH GREENE

ABSENT: Councilman

RANDOLPH CLARK

Also PRESENT: STEVE GABA, representing attorney for Town, JAMES R. LOEB Esq.

Public Hearing: Supervisor QUIGLEY advised that this was a special Public Hearing regarding Cornwall Warehouse, and that tonight's meeting was designed to give them an opportunity to respond to a Notice of Violation & Order of the Town of Board. Supervisor QUIGLEY asked if there were any representatives from Cornwall Warehouse present. There being none, the floor was opened to the public. Mr. Pat Hines advised that it was an insult that no one was present on behalf of Cornwall Warehouse. Mr. Hines stated that he stood before the Board once again, more than a year since the last time, and nothing has happened. The site looks the same as it did when the fire department left; it's a hazardous condition. Mr. Hines asked the Board members if they have been to the site since the fire. Mr. Hines stated that it was a travesty that we were all here tonight to discuss the violations with nothing happening, and that it was only a matter of time before we have to remove a body out of there; a kid playing, an emergency responder. This is just a disaster waiting to happen, and it seems that we are just going to sit here and wait, and wait, and wait, and nothing is happening. Mr. Hines wanted to know how long we were going to wait; are we going to wait until someone gets killed before we do something; think about that when you make any decisions relating to this. The walls are crumbling and they will not get better over time and nothing was done. There are rumors of asbestos on the site, and who knows what is blowing in the air you breathe. There needs to be a work schedule if this place is going to get cleaned up and if not, you need to react and get it cleaned because its in the interest of public safety, the people that live around there and the first responders that may have to go there. God forbid that one of these guys in this room, or one of the Town's policemen that might have to go down there and have a wall fall on them, because no one did anything. Mr. Hines stated that he knew it sounded like he was repeating himself from five or six months ago but no one has done anything. He stated that he was frustrated, tired and the first responders did not want to be the ones getting killed by going in there. Mr. Hines urged the Board to go take a look at the hazards at the site. Mr. Hines added that it was interesting to note that the fire department did not receive any automatic alarms at the remainder of the facility since the first fire; so they either miraculously fixed their alarm system, or maybe it doesn't work because we haven't had a call there since and we used to go there a lot. Mr. Hines wanted to know why the Building Inspector needed a warrant to access the site that has a building permit and has applied for a demo permit; is that the normal course of business in this Town? Do we have to get warrants for the Building Inspector to go on sites and do his job? Mr. Hines stated that that was ridiculous and in his opinion the people that

require warrants are usually guilty parties. Mr. Hines wanted to know what is going on with the sewer lines since the fire. Anyone thinking about that; where is the water going? Is it going into the Moodna? Mr. Hines said that he felt that it was a slap in the face to the fire department, police, ambulance department, as well as for the people that live nearby and have to look at the destruction every day; for the owners of the site to not show up at this meeting. Mr. Hines ended by saying that he hopefully will not be here again six months from now because nothing got done or God forbid sooner because we have to take someone injured or dead out of that site. Mr. Arthur Cassidy stated that he agreed with all that Mr. Hines had to say and wanted to know what the Town has been doing for the last six months; have the owners been fined and has there been any follow up? Mr. Cassidy stated that if that had been anyone here tonight and they had the same issues on their property; they would have been in jail for not doing the clean-up and wanted to know why this Board could do nothing about it, and felt that it was despicable. Mr. Cassidy stated that more than five months ago the owners put together a plan to do the cleanup and they failed to do the cleanup and you people did nothing about it. Supervisor QUIGLEY advised that he just received a report from our engineer stating what work has been done at the site. Mr. Hines stated that it was coincidental that last time we were here discussing this issue that had also just complied with our order to put together a demo plan. Ms. Nancy Bryan stated that she was totally disgusted as she was the last time we were discussing this issue. Ms. Bryan stated that when she had work done at her house, Gary Vinson did not need a warrant to come on her property, and was confused why he was not allowed on the Mill Street property, and baffled as to why the Town Board allows this to go on. Last June there was debris that floated through the air onto the children that were graduating from the middle school; every resident should have been up in arms about that; who knows if ten years down the road, those children are going to be sick because of what was inhaled that day, yet here we all sit yet again and nothing has been done. These people have not shown up; shame on this Town for allowing this corporation/owners/lawyers for the Mill Street property for continuing to snub us and to shove all this in our face. This is outrageous and is time for action, and not to come together and have nothing done. Mr. Michael Mattausch stated that he was at the original fire and agreed that it was a mystery as to what he and the rest of the firefighters were inhaling. Mr. Mattausch wanted to know if the timetable was scheduled and what the timeline was. Supervisor QUIGLEY advised that they have to start by the 25th of this month. Building Inspector Gary Vinson advised that they submitted the timeline last week and that he was currently reviewing it. Mr. Mattausch was angry that they just submitted it and only because of this meeting and felt the Town Board was being exceptionally lenient. He stated that the site was an attractive nuisance; a great place for kids to go play war games; someone is going to get hurt, possibly killed. Mr. Mattausch advised that he took Councilman CLARK to the site after the first fire happened and sent him a letter documenting everything and yet nothing has happened, I can't believe you are going to allow this to happen in the Town of Cornwall. Mr. Mattausch stated that the Board was not representing the Town's best interest, and that is what they were elected to do, and it was time that they did it. Councilwoman GREENE asked that the Supervisor please read the Notice of Violation. Supervisor QUIGLEY read the Order as follows: WHEREAS, it appears from the deeds on file with the County Clerk that CORNWALL WAREHOUSEING, INC., is the record owner of certain real property located at 2 Mill Street, Cornwall, New York, (Tax Map Section 43, Block 1,

Lot 1): and WHEREAS , the Town of Cornwall Building Inspector has rendered a report to the Town Board in regard to the ongoing property maintenance violations on the said premises, a copy of which is attached hereto, in which is set forth a statement of the particular conditions existing at the premises which are in violation of the Town Code as well as the actions which must be taken to correct the said violation, NOW, THEREFORE, IT IS HEREBY ORDERED THAT the property owner must commence correction of the violation on the property within thirty (30) days of the service of this Notice of Violation and must complete work within sixty (60) days thereafter, unless for good cause shown the time shall be extended by the Town Board; and NOTICE IS HEREBY GIVEN THAT a hearing on this matter, at which the property owner and all interested parties shall be given an opportunity to be heard, shall be held before the Town Board of the Town of Cornwall at Town Hall, 183 Main Street, Cornwall, New York 12518 on Tuesday, February 5, 2013 at 7:00 P.M. at which time the Town Board will consider whether to affirm, modify or vacate this Order, and FURTHER NOTICE IS HEREBY GIVEN THAT in the event that the property owner neglects or refuses to comply with the Order herein, the Town Board has authority to proceed with measures to remedy the violation and that all expenses incurred by the Town shall be assessed against the said lands and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the Levy and Collection of a Special Ad Valorem Levy. However, the Town is not obligated to take any steps to remedy the condition and, in the alternative, may commence a civil action pursuant to Town Code §115-11 in New York State Supreme Court for injunctive relief to require the property owner to remedy the condition and to recover of civil penalties. Mr. Hines asked what the Town Board was going to do. Supervisor QUIGLEY advised that the Board would seek legal counsel and then make a decision. Town attorney, STEVE GABA responded that now that the owner has been served, we have to give him the allotted time to clean up, and if the Board determines that the work has not been done, it can affirm the order and decide how to move forward. Mr. Gaba advised that there was a meeting last week with their engineer and the Town's engineer and confirmed that the asbestos remediation has been done, and the contractors can come in and start removing the debris; we just received the timeline and are in the process of reviewing it to see if it is acceptable. If the Town chooses to do the cleanup on its own; it is going to be a very expensive proposition. Mr. Hines responded that dead firemen are also very expensive. Ms. Nancy Bryan stated that the fact that they have been allowed to drag their feet and the fact that this Town Board has allowed this to go on is just mind boggling to her; why can't we throw some astronomical lien on their property for not complying and so when they go to sell it; they won't be able to or whatever action needs to be taken instead of dragging it out for another six months. Mr. Mattausch wanted to know what happens if they sell the property before the cleanup is complete. Supervisor QUIGLEY advised that he did not have an answer to that. Mr. Mattausch stated that it has been reported in the paper that there is a buyer interested in the property; why wouldn't this Board anticipate the sale and what that means to the cleanup. Supervisor QUIGLEY believes the new owner would be responsible for the cleanup. Mr. Mattausch responded that that could potentially means another six month waiting process. Mr. Hines stated that the fact that they are not here tonight is a travesty, and the Board should take note of it, submitting documents a day before the meeting and thinking that's OK is crazy. Mr. Hines added that he firmly believes that we'll be back six months from now discussing the same issues if not sooner if another incident occurs. Ms. Nancy Bryan reminded everyone that

when it was brought up that kids might try to get on the property to play, the property owners immediately said that it was the Town Police's responsibility to make sure that didn't happen; so maybe the Town needs to put the property owners on notice telling them that should anyone get hurt; even if they trespassing, that the owners will be held accountable, because guess what, you or I would be held accountable. Mr. Hines advised that this does not happen in other Towns; there was a very large fire in Washingtonville and not four days later, the building was gone; cleanup was complete and it looked like a park and here we sit. Mr. Cassidy stated that maybe we should ask them how they did it. Mr. Hines again asked what action the Board would take. Supervisor QUIGLEY advised that the Board would discuss it further and have a resolution ready for Monday night. Building Inspector Gary Vinson advised that there are currently two prosecutions that the Town is working on against Mill Street. The first one is under the Building Code of the State of New York and the second one is under the Town Code which the Board is working on tonight. In the last three months; they have been working on the asbestos cleanup. The cleanup of the rubble is coming up in our court on the 25th of this month. Mr. Vinson stated that the asbestos was a priority as per the Department of Labor because the cleanup of the rubble could not be done until then. Mr. Vinson advised that the report that the Town Board just received states that they had begun the asbestos abatement in December and just finished at the end of January. Mr. Vinson advised that we have not had a chance to do an inspection. Mr. Cassidy stated that we must do an inspection. Mr. Mattausch agreed and gave an analogy that occurred last week in the Village where a homeowner had a call for a gas leak/odor. The homeowner had a generator installed and told the plumber that there was a line that used to run out to the garage but that it had been capped years ago, and so the plumber never looked, but the line was not capped and the concentration was so high that the Central Hudson representative grabbed his meter and ran away; that's what happens when we do not send someone to do an official inspection. We need to be proactive and anticipate and plan what we need to do; if we need to get the Building Inspector a warrant, do it now and not next week. Ms. Nancy Bryan asked who was paying for the asbestos abatement. Supervisor QUIGLEY advised that the property owner is paying and we are trying to avoid the cost of the entire cleanup. Ms. Bryan responded that we also do not want to wait another two years. Mr. Mattausch stated that it didn't make sense that they were going to remove the rubble on the 25th when we can't prove that the asbestos has been properly removed. Attorney GABA stated that it appears that it has been done based on the report with receipts, test reports etc. Ms. Bryan asked if the property owner was paying for our engineers expenses. Councilwoman GREENE advised that only if we take on the entire cleanup can we charge back the property owner. There being no further public comments, a motion to close the public hearing and go into the Work Session was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Pledge of Allegiance

Work Session: 7:36 P.M. -- 8:50 P.M.

A motion to go into Closed Session to seek legal counsel regarding COVAC was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

A motion to go into Executive Session to discuss CSEA was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

A motion to go into Executive Session to discuss the PBA and to include PBA representatives Mr. Anthony Solfaro and Mr. Douglas Schofield was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Councilpersons Mazzocca, LONGINOTT, Supervisor QUIGLEY – Aye, Councilwoman GREENE – Nay. Ms. GREENE stated that it does not go with contract negotiations and is done by two members of the Board and not a full Board.

Motion carried. Ms. GREENE also stated for the record that she will not be attending.

Renata McGee
Town Clerk